

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HARLAN GOLDBERG, H GOLD LLC, and JARRET
WILLIS,

Plaintiffs,

-against-

BESPOKE REAL ESTATE LLC, BESPOKE LUXURY
MARKETING LLC, BESPOKE REAL ESTATE
FLORIDA LLC, ZACHARY VICHINSKY and CODY
VICHINSKY

Defendants.

Civil Action No.:
23-cv-05614 (JPO)

AFFIDAVIT OF
CODY VICHINSKY

STATE OF NEW YORK)
) ss.
COUNTY OF SUFFOLK)

CODY VICHINSKY, being duly sworn, deposes and says:

1. I am the President and a principal of Defendants Bespoke Real Estate LLC, Bespoke Luxury Marketing LLC, Bespoke Real Estate Florida LLC and named as an individual defendant in the above-captioned matter (collectively, "Bespoke").
2. I submit this affidavit in support of Bespoke's motion to dismiss the Amended Complaint.
3. Harlan Goldberg's allegations that his contract with Bespoke was terminated because he complained about discriminatory behavior directed to Mr. Willis is false.
4. Mr. Goldberg never informed Bespoke that Mr. Willis was the subject of alleged discriminatory behavior.
5. I never referred to Mr. Willis by the "n-word".

6. I never heard anyone refer to Mr. Willis by the “n-word”, other than Mr. Willis himself.

7. Submitted herewith as Exhibit A are true and accurate copies of texts messages sent to me by Mr. Willis in which he refers to himself the “n-word”.

8. Mr. Willis referring to himself by the “n-word” was a common occurrence.

9. Mr. Willis himself believes the use of racial humor is funny. Attached as Exhibit B is a true and accurate copy of an Instagram text I received from Mr. Willis in which he states that “Racial humor is the BEST [sic] humor”.

10. Mr. Willis also referred to himself as “Jafar”, the character from the Disney film “Aladdin”.

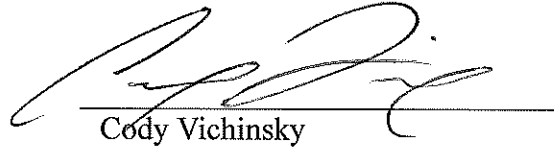
11. Mr. Willis, to my knowledge, called himself “Jafar” not based upon ethnicity but based upon the character’s traits – cunning and manipulative.

12. Referring to himself as “Jafar” clearly was not based upon ethnicity because Mr. Willis is African-American and the character Jafar was a Middle Eastern advisor to a sultan.

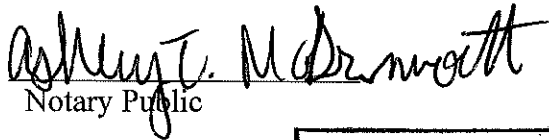
13. At no time did Mr. Willis ever mention to me that: i) he had been addressed or described in racially derogative terms by anyone at Bespoke; or ii) that any circumstances at Bespoke led Mr. Willis to believe that he was being treated in a manner that created a hostile work environment.

14. The first time I learned of any allegation lodged by Mr. Goldberg that Mr. Willis was subjected to discrimination or hostile work environment was through Mr. Goldberg’s counsel

after Mr. Goldberg had already been terminated. Mr. Goldberg never personally relayed any said allegations to me. As such, Mr. Goldberg's claim that he was terminated due to alleged (and nonexistent) whistleblowing cannot be true.


Cody Vichinsky

Sworn to before me this
17 day of August, 2023


Notary Public

